

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CRAIG HENRY,)	
)	2:06cv1439
Plaintiff,)	Electronic Filing
)	
v.)	
)	
MR. FRED MAUE, Chief Bureau of Health Care)	
Service; JOAN DELIE; DR. HERBICK, Medical)	Judge Cercone
Doctor; ROBERT TRETINIK, Health Care)	Magistrate Judge Lenihan
Administrator; JOHN DOE; JOHN DOE,)	
Psychiatrist; JOHN DOE, BB-Unit Counselor;)	
JOHN DOE, B-Unit Manager; JANE DOE,)	
Hearing Examiner,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (doc. no. 1) on October 30, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan on April 13, 2004 for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation on November 24, 2008 (doc. no. 79), recommending that that the Motion for Summary Judgment filed by the Commonwealth Defendants (doc. no. 59) be granted and that the Motion for Summary Judgment filed by Dr. Herbick (doc. no. 65) be granted. Plaintiff filed Objections to the Report and Recommendation on December 5, 2008 (doc. no. 80). Plaintiff's objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:


AND NOW, this 10th day of December, 2008;

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by the Commonwealth Defendants (Document No. 59) is **GRANTED** and the Motion for Summary Judgment filed by Dr. Herbick (Document No. 65) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Document No. 79) of Magistrate Judge Lenihan dated November 24, 2008, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
United States Magistrate Judge

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